

REMARKS

This Amendment and Response is submitted in response to the Office Action mailed April 18, 2005.

*Amendments to the Claims and Support*

Applicants have amended claims 1-10 and 13-23, cancelled claim 11, and added new claim 24. Support for the amended claims are provided in paragraphs 16, 18, and 20 of the specification. A listing of the claims has been presented previously. Upon entry of the amendments, the application contains claims 1-10 and 12-24 pending and under consideration.

*The Rejection of Claims Under 35 U.S.C. § 112*

The Office Action rejects claims 1-23 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

With respect to claims 1 and 10, the Office Action states that these claims are vague and indefinite as they recite “a mounting block” without reciting a mounting block structure. Specifically, the relationship between the mounting block and a “release and retaining mechanism” cannot be understood structurally or functionally, it is not clear whether Applicants intend to define element 107 as shown in the drawings as “a mounting block” or element 105 shown as “a mounting block,” and it is not clear what “disengaging” structurally means.

Applicants submit that the amended claims 1 and 10 overcome the §112 rejection.

Amended claims 1 and 10 recite a mounting block which comprises a base and a release and retaining mechanism. In amended claim 1, the release and retaining mechanism is related to the base of the mounting block in that the release and retaining mechanism is configured to secure the telescoping handle to the base while enabling the telescoping handle to adjust its position relative to the base without separating the telescoping handle from the base when the release and retaining mechanism is installed and to separate the telescoping handle from the base when the release and retaining mechanism is removed. In amended claim 10, the release and retaining mechanism is related to the base of the mounting block in that the release and retaining mechanism is configured to secure the inner segment of the telescoping handle to the base while enabling the inner segment to adjust its position relative to the base without separating the inner segment from the base when the release and retaining mechanism is installed and to separate the inner segment from the base when the release and retaining mechanism is removed.

The Office Action states that in Claims 2 and 11, “a plurality of release and retaining mechanism” fails to further limit the subject matter from their respective independent Claims 1 and 10. Applicants have amended claim 2 to remove the recitation of “a plurality of release and retaining mechanisms” and has cancelled claim 11. Therefore, Applicants request withdrawal of the rejection.

The Office Action states that in Claim 4, “installed uninstalled” is confusing and should be separated by a coordinating conjunction and suggests that in line 2, “ore” should be “or”.

Applicants have amended claim 4 to recite that the retaining clip is installed or removed using one or more screws to correct the errors and request withdrawal of the rejection.

The Office Action states that in Claims 9 and 18, it cannot be understood what is being defined as “a plurality of mechanisms acting in concert” and how it is structurally related to the “release and retaining mechanism”.

Applicants have amended claims 9 and 18 such that claims 9 and 18 no longer recite “a plurality of mechanisms acting in concert” and therefore request withdrawal of the rejection.

The Office Action states that in Claim 19, the structural relationship between the “release and retaining mechanism” and the “telescoping handle” is omitted and that it cannot be understood what the function of “disengaging” and the function of “engaging” are referring to.

Applicants have amended claim 19 to recite a method for replacing a telescoping handle for a transport device that is secured to a mounting block. The method includes the steps of: providing the telescope handle comprising an inner segment and an outer segment wherein the inner segment slides within the outer segment and wherein the inner segment is secured to a base of the mounting block by a release and retaining mechanism while enabling the inner segment to adjust its position relative to the base without separating the inner segment from the base; disengaging the release and retaining mechanism; separating the inner segment from the base; installing a new inner segment; and engaging the release and retaining mechanism to secure the new inner segment to the base.

Amended claim 19 provides a relationship between the telescope handle and the release and retaining mechanism. The inner segment of the telescope handle is secured to a base of the mounting block by the release and retaining mechanism. For example, if the release and retaining mechanism comprises a retaining clip secured using one or more screws, the release and retaining mechanism can be disengaged by removing the screws to separate the retaining clip from the base and the release and retaining mechanism can be engaged by tightening the one or more screws to secure the retaining clip to the base.

Applicants submit that amended claim 19 overcomes §112 rejection and respectfully requests withdrawal of the rejection.

The Office Action states that Claim 20 is confusing in that “obtaining the new telescoping handle” after “installing a new telescoping handle” does not make sense.

Claim 20 has been amended. Amended claim 20 no longer recites the step of obtaining the new telescoping handle. Accordingly, Applicants request withdrawal of the rejection.

The Office Action states that in Claim 21, it is not clear how further step of “disengaging a plurality of release and retaining mechanisms” is related to “disengaging a release and retaining mechanism” in the previous step.

Claim 21 has been amended. Amended claim 21 no longer recites the step of “disengaging a plurality of release and retaining mechanisms.” Accordingly, Applicants respectfully request the Examiner to withdraw the rejection.

*The Rejection of Claims Under 35 U.S.C. § 102(b)*

The Office Action rejects Claims 1-5, 7, 9-14, 16, and 18-23 under 35 U.S.C. § 102(b) as being clearly anticipated by DE 2742557A (“DE ‘557”). According to the

Office Action, the mounting block comprising a release and retaining mechanism (7) of DE '557 enables the telescopic handle upper sections (5, 6) to engage or disengaging from the lower sections (1, 2). The Office Action notes that the claims do not clearly define a "mounting block" structure but a mere statement of "a mounting block...comprising a release and retaining mechanism" but further noted that "mounting block" has multiple meanings depending on the parts of speech. Any claim or clip can be considered a "mounting block" to block the telescopic sections of the handle from separating. As to claim 23, the Office Action states that "an identifying color" is an inherent characteristic.

Applicants respectfully traverse this rejection because DE '557 does not teach or suggest all of the limitations of independent claims 1, 10, and 19, as amended.

Claim 1 has been amended to recite a release and retaining mechanism configured to secure the telescoping handle to the base while enabling the telescoping handle to adjust its position relative to the base without separating the telescoping handle from the base when the release and retaining mechanism is installed and to separate the telescoping handle from the base when the release and retaining mechanism is removed.

Claim 10 has been amended to recite a release and retaining mechanism configured to secure the inner segment of the telescoping handle to the base while enabling the inner segment to adjust its position relative to the base without separating the inner segment from the base when the release and retaining mechanism is installed and to separate the inner segment from the base when the release and retaining mechanism is removed.

Claim 19 has been amended to recite the inner segment of the telescope handle which is secured to the base of the mounting block by a release and retaining mechanism while enabling the inner segment to adjust its position relative to the base without separating the inner segment from the base.

DE '557 teaches a walking frame for the disabled. The frame includes two interconnected legs (1) with formed ends (3) that are kept splayed by springs (11) to form a frame with four feet. The legs have handles (8) that form an inclined T-shape, and that are preferably horizontal in use. The handles are height-adjustable by means of telescopic tubes (15) that have a screw clamp (7). The Office Action equates the screw clamp to the release and retaining mechanism of claims 1, 10, and 19. When the screw is loosened, the position of the upper section (5) of a leg can be adjusted relative to the lower section of the leg (1) but once the screw tightened, the position of the upper section (5) of the leg relative to the lower section of the leg (1) is fixed and cannot be adjusted unless the screw is loosened once again. DE '557 also does not teach or suggest that once the screw is loosened, the upper section can be separated from the lower section.

Accordingly, DE '557 does not teach or suggest a release and retaining mechanism which is configured to secure the telescoping handle to the base while enabling the telescoping handle to adjust its position relative to the base without separating the telescoping handle from the base when the release and retaining mechanism is installed. DE '557 also does not teach or suggest a release and retaining mechanism which is configured to separate the telescoping handle from the base when the release and retaining mechanism is disengaged.

Because DE '557 fails to teach or suggest every element of amended independent claims 1, 10, and 19, Applicants respectfully request withdrawal of the rejection as to these claims. Further, because claims 2-5, 7, and 9 depend from claim 1, which is allowable over DE '557, claims 11-14, and 16 depend from claim 10, which is allowable over DE '557, and claims 20-23 depend from claim 19, which is allowable over DE '557, Applicants request withdrawal of the rejection as to all of these claims.

The Office Action rejects claims 1-5, 7, 9-14 16 and 18-23 as being anticipated by Lu (5,730,264). According to the Examiner, Lu teaches a block (31, 41) and a clip (32, 42) that is installed to the handle by the screws (5).

Applicants respectfully traverse this rejection and request reconsideration based on the following remarks.

As discussed above, amended independent claims 1, 10, and 19 recite a release and retaining mechanism which is configured to secure the telescoping handle or the inner segment thereof to the base of the mounting block while enabling the telescoping handle to adjust its position relative to the base without separating the telescoping handle from the base when the release and retaining mechanism is installed.

Lu does not teach or suggest such release and retaining mechanism. Lu teaches a luggage structure to which an additional luggage case can be added to increase capacity. The luggage structure includes a pair of adjustable latch boards and the additional luggage can be secured between the latch boards. The latch boards includes pressing boards (3) and (4) and a latch clip (42) with a through hole for a bolt (5). The bolt (5) secures the boards to the outer tubes of the telescoping handle. Once secured, the position of the latch boards relative to the outer tubes of the telescoping handle are not adjustable.

Accordingly, Applicants respectfully request withdrawal of the rejection as to amended claims 1, 10, and 19 and their dependent claims 2-5, 7, 9, 12-14, 16, 18, and 20-23.

*The Rejection of Claims Under 35 U.S.C. § 103*

The Office Action rejects claims 6, 8, 15, and 17 under 35 U.S.C. § 103 as being unpatentable over DE '557 or Lu '264. The Office Action states that neither DE '557 nor

Lu shows a screw or a clip that is painted; however, takes Official Notice that it is well-known and common practice in the art to paint fasteners for visual identification, for corrosion prevention, or for authentic decoration purposes. Therefore, it would have been obvious matter of design choice to paint the screw or clip of DE '557 or Lu for the purposes mentioned above.

Applicants have amended claims 6 and 15 to remove the reference to painted screws and therefore request withdrawal of the rejection. Applicants submit that claim 8 depends from amended claim 1, which is allowable over DE '557 and Lu as discussed above and therefore, claim 8 is also allowable over DE '557 and Lu. Applicants submit that claim 17 depends from amended claim 10, which is allowable over DE '557 and Lu as discussed above and therefore, claim 17 is also allowable over DE '557 and Lu.

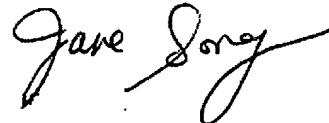
CONCLUSION

In view of the foregoing remarks, Applicants believe that the entire application is in condition for allowance and such action is respectfully requested. If it is believed that prosecution can be assisted thereby, the Examiner is invited to contact Applicants' undersigned representative at the below-listed telephone number.

Applicants hereby petition for one-month extension of time up to and including August 18, 2005. Any required fee, not submitted with this Amendment and Response is to be charged to Deposit Account No. 50-2613. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Dated: August 18, 2005

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